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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 MARCUS L. HARRISON,

No. C 09-4665 SI (pr)

11 Plaintiff,

**ORDER DENYING MOTION TO
ALTER OR AMEND JUDGMENT
JUDGMENT**

12 v.

13 D.E. MILLIGAN, et al.,

(Docket no. 92)

14 Defendants.

15 /
16 Marcus L. Harrison, an inmate at Pelican Bay State Prison, filed a pro se civil rights
17 action under 42 U.S.C. § 1983, asserting a First Amendment claim regarding the confiscation
18 of certain outgoing and incoming mail. On September 21, 2011, the court granted in part and
19 denied in part defendants' summary judgment motion. Docket no. 20. On March 8, 2013, after
20 further briefing by the parties, the court granted in full defendants' second motion for summary
21 judgment and entered judgment in favor of all defendants. Docket nos. 90, 91. Harrison has
22 moved to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil
23 Procedure. Defendants have opposed the motion.

24 A motion for reconsideration under Rule 59(e) should not be granted, absent highly
25 unusual circumstances, unless the district court is presented with newly discovered evidence,
26 committed clear error, or if there is an intervening change in the controlling law. McDowell v.
27 Calderon, 197 F.3d 1253, 1254 (9th Cir. 1999) (quotation and citation omitted).

28 The Court has reviewed Harrison's motion and his declaration and other evidence in

1 support thereof. He objects to the court's findings and conclusions on summary judgment, but
2 he has not presented any newly discovered evidence that was not before the court when it ruled
3 on defendants' motions, shown that the court committed clear error, or shown that there has been
4 an intervening change in the controlling law that would change the court's ruling. Accordingly,
5 the motion for reconsideration under Rule 59(e) is DENIED.

6 This order terminates Docket no. 92.

7 IT IS SO ORDERED.

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9 Dated: August 15, 2013



SUSAN ILLSTON
United States District Judge

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United States District Court
For the Northern District of California

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5 SUSAN ILLSTON
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